



Torrible, C. N. L. (2018). Reconceptualising the police complaints process as a site of contested legitimacy claims. *Policing and Society*, 28(4), 464-479. <https://doi.org/10.1080/10439463.2016.1191486>

Peer reviewed version

Link to published version (if available):
[10.1080/10439463.2016.1191486](https://doi.org/10.1080/10439463.2016.1191486)

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Reconceptualising the Police Complaints Process as a Site of Contested Legitimacy Claims

Abstract

An effective police complaints system is important in securing and maintaining police legitimacy. There is, however, a lack of clarity regarding the nature of the relationship between the two. What does it mean for the police complaints system to be effective and how does it contribute to the legitimacy of the police? Further, what does the way in which the complaints system operates reveal about how police legitimacy is conceived? This article argues that police legitimacy can be analysed by reference to two ideal types, organisational and constitutional legitimacy. In developing these ideas, it contends that reconceptualising the police complaints system as a key site where they become contested will enhance normative debate in this area. In addition, conceiving of the police complaints system in this broader sense also serves to highlight the importance of its function in providing the data that will make such debate meaningful.

Keywords: Police Complaints, legitimacy.

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Introduction

The accountability of individual police officers for their actions is one of the fundamental elements of police legitimacy in a democratic state (Smith 2010, 2013). Further, the police complaints system is an important mechanism for bringing officer misconduct to light (Sanders and Young, 2008: 302) and the efficient and appropriate functioning of the system is considered fundamental to securing public confidence in the police (Maguire and Corbett 1991, Smith 2001, 2005, Waters and Brown 2000). It is consequently taken as axiomatic that the complaints system plays an important role in securing police legitimacy. There is, however, a lack of clarity regarding the *nature* of its role in this regard. Debates about police complaints systems have become dominated by two analytical approaches. One focuses on the practical functions of the process and, in particular, on complainants' needs and experiences (Maguire and Corbet 1991, Landau 1996, Learch 1998, Strudwick 2003, Waters and Brown 2000, Smith 2001, 2009). A second considers the need for external involvement in the police complaints system and the difficulties inherent in achieving such involvement (Goldsmith 1991, Goldsmith and Lewis 2000, Porter and Prenzler 2012, Prenzler et al 2013, Prenzler and Ronken 2001, Savage 2013a, 2013b). While acknowledging the importance of both bodies of work, this article seeks to introduce a new approach. It identifies two forms of police legitimacy, organisational and constitutional, and suggests that conceiving of the police complaints system as a site for determining the correct balance between them will enhance normative debate in this area. Significantly, this conception of the police complaints system also highlights how an important democratic function of the process is to provide the data that would make this normative debate meaningful.

The first section of this article outlines some of the limitations inherent in the two approaches that currently dominate analysis and empirical enquiry in the area of police complaints. Section two develops the ideas of organisational and constitutional legitimacy in the context of policing and points to how they assist in structuring debates concerning the question of *how* officer conduct should be judged. The final section applies this analytical frame to the current police complaints system in England and Wales and discusses the ways in which it invites new emphases in the empirical and normative questions that might be asked¹.

¹ The discussion of constitutional legitimacy draws on the constitutional position of the police in England and Wales and the primary focus of the paper is the complaints handling process in these areas. However, research

1. Conflicts and Circularity in Discussions of Police Complaints Systems

Maguire and Corbett suggest that the police complaints system has four main functions: the satisfaction of complainants; the enforcement of discipline in the ranks; feedback to police managers; and the maintenance of public confidence in the police (1991: 13). This purposive approach is reflected in later analysis by Smith whose examination of the research and policy developments in police complaints processes since the 1960's also suggested that it serves four functions. He labelled these "managerial, liability, restorative and accountability (2004:20)² and they can be aligned with the four objectives identified by Maguire and Corbett³. However, while it is useful to separate the functions into categories for analytical purposes they are clearly interconnected. Indeed, Maguire and Corbett accept that their four functions may contradict each other (1991: 182) and Smith found that, while his four functions could be "analytically separated", they were, in fact, so closely related that he abandoned plans to construct a system model approach that utilised them (2004: 16).

Given the four potentially conflicting functions of the police complaints system it is difficult to determine what it means for it to be 'effective'. Its stated primary purpose is not the 'satisfaction of complainants' but the determination of whether officers should be disciplined in respect of their conduct and if so to what degree (Maguire and Corbett 1991:11-12, Reiner 1991: 211, Smith 2004:16). Nevertheless, there is little research relating to the impact of complaints on discipline in the ranks or the degree to which it assists with feedback to police managers. Maguire and Corbett's study does address these issues, but the author knows of no subsequent research directed specifically to the discipline and feedback functions⁴.

An alternative means of assessing the effectiveness of the system is by reference to 'outputs' in terms of substantiated complaints. However, this raises the question of what would be considered an appropriate percentage for substantiation and Prenzler and Ronken argue that the direct, quantitative ways in which the 'effectiveness' of the complaints process might be

from other jurisdictions is drawn upon and it is contended that the proposed analytical frame will be relevant to broader debates concerning police complaints processes.

² Also see Landau 1996 who suggests four similar functions for police complaints.

³ For Smith 'liability' in this context is used to denote the individual liability of the officer by means of disciplinary outcomes which it is submitted links to Maguire and Corbett's 'discipline in the ranks'.

⁴ Porter 2016 draws attention to the feedback functions of oversight agencies. See also Prenzler et al 2013, Porter and Prenzler 2016, and Prenzler 2016 for a summary of the results of complainant and police satisfaction surveys from a number of jurisdictions.

assessed, are too complex and interrelated to be of value. They suggest that, instead, any such assessments need to be made on the basis of more indirect indicators such as “complainant satisfaction and public confidence levels”⁵ (Prenzler and Ronken 2010: 156). It is contended however that these are also unsatisfactory indicators. This is, in part, because, as noted above, complainant satisfaction is not the main stated aim of the system. More importantly, reliance on these indicators also leads to an uncomfortable circularity.

There has been much important and interesting research on complainants’ views and experiences (Landau 1996, Leach 1998, Strudwick 2003, Waters and Brown 2000). These works note the difficulty in determining what it means for a complainant to be ‘satisfied’. Satisfaction may be linked only to the result i.e. whether the complaint is upheld and the officer disciplined. Alternatively, while a complaint may be unsubstantiated, complainants may nevertheless gain some satisfaction from the way it is handled or, for example, any explanation they receive concerning the incident about which they are aggrieved (Maguire 1991: 191, Strudwick 2003: 40, Waters and Brown 2000: 629-630). However, on each of these levels the conclusion of research into complainants’ experiences is that they are consistently and profoundly negative (De Angelis 2009, Grace and Buck 2009, Maguire and Corbett 1991, Smith 2003, Strudwick 2010, Waters and Brown 2000)⁶. Grace and Buck note that the available studies regarding complainants’ satisfaction tend to be either dated or based on very small samples (2007: 4). However, their review of the results of the 2006/2007 British Crime Survey⁷ revealed that, of those who had used the complaints system, 80% were dissatisfied or very dissatisfied with the way the complaint was handled by the police (2007: 8)⁸.

As noted in the introduction, it is frequently suggested that an effective complaints system is of great importance in securing and maintaining public confidence in the police (Hewitt 2002: 5, Smith 2001: 372, Strudwick 2010: 37). Further, in much of the literature there is a presumption or implication of a directionally causative link between the two i.e. that an effective complaints system will lead to increased confidence in the police. The IPCC is statutorily required to ‘secure that public confidence is established and maintained’ in the way

⁵ They also suggest public awareness of their rights in relation to police behaviour, and independent auditing of agency procedures (2010: 156).

⁶ These sources show consistency of results as regards complainants’ satisfaction in a number of jurisdictions.

⁷ Carried out for the Independent Police Complaints Commission “IPCC” in relation to England and Wales (Grace and Buck 2009:4).

⁸ A significant exception is the experience of complainants in relation to the Police Ombudsman of Northern Ireland in respect of which see the discussion in Porter and Prenzler (2014: 83-86).

the complaints system operates⁹ and, not surprisingly, this has, therefore, been the focus of its own research. There have now been six IPCC surveys carried out since 2004, each of which consisted of approximately 4,000 interviews with members of the public. Respondents were asked whether they would complain if they were ‘really unhappy’ about how the police had acted towards them, taking positive responses as indicators of confidence in the complaints system. The most recent 2014 survey suggests an increase from 60% of respondents in 2008 to 73% of respondents in 2014 who would definitely or probably complain if they were really unhappy about how a police officer behaved towards them (Harvey et al, 2014)¹⁰. On this measure then the system may be seen as ‘effective’ in a general sense. This leads to the uncomfortable situation whereby, despite the vast majority those who use the complaints system being very dissatisfied with it, and indeed, many having less confidence in the police (or even the law) as a result (Waters and Brown 2000: 627,631, Strudwick 2010: 43, Young et al 2005:300) it can be found that there is general public confidence in it and that it is thereby at some level ‘effective’.

The respondents in the IPCC surveys were also asked whether they had had contact with the police and whether they were happy with that contact. The results show that those who had a positive experience during contact with the police were “considerably more likely” than those whose experience had been negative, to give a positive response to the main research question above, (i.e. that they would complain if they were unhappy about an officer’s conduct) (Harvey et al 2014: 14). This suggests that it is confidence in the police that is a potential driver of the inclination to complain and that confidence in the complaints system might be seen as a barometer of confidence in the police. It is, therefore, necessary to question the presumption implicit in the way the role of the complaints system is commonly articulated (i.e. that confidence in the complaints system may operate to increase confidence in the police) and a better starting point might be to address the considerable levels of reflexivity that the relationship is likely to embody.

The call for independent involvement in the process adds a further level of complexity. Research into complainant satisfaction consistently shows that complainants would have greater confidence in the system if it contained a higher level of external involvement or

⁹ Police Reform Act 2002 s10(1)(d), s10(2).

¹⁰ The 2014 survey however used a four point rather than a five point scale for responses so comparisons should be viewed with some caution (Harvey et al, 2014: 14).

oversight (Maguire and Corbett 1991, Landau 1996, Learch 1998, Strudwick 2003, Waters and Brown 2000). This presents a number of tensions.

First, the fact of independent oversight may have negative consequences. The police have argued that any non-police investigator will necessarily lack the understanding and experience required to fairly judge how an officer has conducted him or herself in any given situation (Mark 1978, Herbert 2006, Reiner 1991, 2010). A corollary to this is the view that too much external involvement will erode officer morale and ultimately undermine police authority (Hudsen, 1971, Wells and Schafer 2007). Further, while external oversight may increase confidence in the complaints system, the very fact of independent investigation and oversight of police complaints has inherent in it the idea that the police cannot be trusted to investigate complaints themselves. Hence, while bolstering confidence in the way *complaints against them might be handled*, external oversight can also operate to undermine confidence *in the police* at some levels.

Second, while analytical and empirical studies have discussed different types of independence (Smith 2009) and considered differing levels of independent oversight (Prenzler and Ronken 2001) they have also queried the effectiveness and even the possibility of true independence (Savage 2013a, 2013b). There is, therefore, a reasonable concern that the idea of independent involvement may operate to increase general public confidence in the system when the de facto level of independence it embodies is considerably less than commonly understood (Savage 2015: 36).

Third, this potential disparity between public confidence based on independent oversight and the actual level of practical independence within the system, magnifies the tension noted above between the confidence the general public has in the system and the experiences of its users. Smith notes how it is ‘axiomatic that the persons most likely to have cause to complain are those who interact with the police the most’ and that these people tend to be the ‘disempowered disadvantaged and discriminated against’ (Smith 2009: 254). Hence ‘hierarchies of credibility’ emerge whereby the police account of events is given greater credence than that of potential complainants (2009: 245). The emphasis on public confidence within the complaints system in England and Wales, therefore, operates to reinforce this hierarchy of credibility for dissatisfied complainants because they are expressing negative feelings concerning a system that is shown to be ‘effective’ on the basis that it is enjoying increasing levels of general public confidence.

These tensions are inherent in the empirical data discussed above, but are rarely directly addressed. Arguably this is, in part, because the analysis of police complaints noted in the opening paragraphs encourages the practical function of the system and the level of independence it involves to be considered separately. In contrast, this article advocates a more overarching approach whereby, the *function* of the police complaints system is considered at a different level - the level of its legitimating potential in respect of policing in general. The following section sets out and develops two ideal types, organisational and constitutional legitimacy which it is argued provide a framework for this broader functional enquiry.

2. Constitutional and Organisational Legitimacy

The previous section drew attention to the complex reflexivity that exists between confidence in the police complaints system and confidence in the police. Similarly, it was noted how the levels of confidence placed in the complaints system by the general public may not be reflected in the experiences of complainants. Police officers' perceptions of complaints systems are also important (not least because their cooperation with the process is of significant practical importance (Porter 2016: 244-245)). This raises the question of how conflicts between the interests of these separate stakeholders' should be reconciled and illustrates that while confidence and legitimacy in this context are linked, the two ideas are not coextensive. Consequently, it is contended that, in order to assess whether a police complaints system is effective in enhancing the legitimacy of the police, it is first necessary to develop an analytical framework by which to judge what it means for the police to be legitimate. This section seeks to provide such a framework.

Legitimacy is a deeply contested concept. Weber distinguishes between the way in which a social scientist and a moral philosopher should conceive of legitimacy, arguing that the social scientist's enquiry should be limited to a study of what people believe as legitimate. Hence for him "legitimacy is equivalent to belief in legitimacy and legitimate power is power that is believed to be legitimate" (Weber, 1956: 23)¹¹. For Beetham this approach has been an "unqualified disaster" for the social sciences since it fails to recognise that "[a] given power relationship is legitimate not because people believe in its legitimacy but because it can be

¹¹ Original quoted in (Beetham 1991: 9).

justified in terms of their beliefs” (1991: 10). This more nuanced position, which reflects the distinction between confidence and legitimacy noted above, is to some extent borrowed from Habermas’s work. However, for him it only makes sense to refer to legitimacy in the context of political orders. “Only political orders can have and lose legitimacy; only they need legitimisation. Multinational corporations and the world market are not capable of legitimisation” (Habermas 1979: 179). In contrast, Suchman brings together a whole body of work on organisational legitimacy, noting how it might be sought, maintained and recovered after a crisis (Suchman 1995). This tension between legitimacy understood as necessarily associated with political orders and the idea of it being a quality that organisations can also possess is at the heart of the distinction between police constitutional and organisational legitimacy which this section seeks to develop.

Police legitimacy is uniquely complex because as “the specialist repositories for the state’s symbolic monopolisation of legitimate force” (Reiner 2010: 17) an aspect of their legitimacy rests on their constitutional position. Their mandate extends to interference with personal liberties for the prevention and detection of crime and their practical and symbolic presence as the body tasked with ensuring security within the territory, results in elements of their overall ‘legitimacy’ being bound to the legitimacy of (and conferred on them by) the state. However, the idea of operational independence demarcates an element of police work which is practically and symbolically separate from the state. Their discretion at street level, as regards operational issues, requires that as an institution *they* must maintain their ‘legitimacy’. This section explores these two facets of police legitimacy which are labelled constitutional legitimacy and organisational legitimacy and develops them as ideal types¹².

There are a number of binaries or tensions in debates concerning the nature of policing. The police have a dual role of crime control and keeping the peace and are often described in a binary way as “citizens in uniform” (Reiner 2010: 75). There is also discussion regarding the extent to which police authority is autonomous or paternalistic (Walker 1996) and more generally whether the police are better understood as a force or a service (Reiner 2010: 141). The ideas of constitutional and organisational legitimacy are aligned with these binaries but function at a different level. The primary distinction between constitutional legitimacy and organisational legitimacy is that the while the former is connected with the mandate to use state

¹² Here Lopreato and Alston’s understanding of these as theoretical idealisations is adopted. Neither form of legitimacy is entirely achievable or desirable on its own, but the points where they conflict and/or complement each can be used to structure empirical enquiry and normative debate.

sanctioned force, the latter is concerned with the police as an organisation remaining worthy of that mandate. Hence, constitutional legitimacy may be seen as operating in a top down fashion and sees the police as embedded state actors whereas organisational legitimacy operates from the ground up and has its roots in the police relationship with the public in general.

From the perspective of constitutional legitimacy the police operate under a mandate from the state which, *prima facie*, has to be susceptible to precise articulation of its reach. Consequently officers' actions must be legitimated at a constitutional level by compliance with the rule of law. This view of police legitimacy requires (or has implicit in it) a sense that there are distinct boundaries as regards the mandated interference with personal liberties and that determination of where those boundaries have been contravened is non-contentiously justiciable. On this conception of police legitimacy the primary mechanism for holding individual officers to account will be one dominated by clear codes and rigorous evidence gathering which can lead to a firm finding of breach or otherwise. Similarly there is little scope for mitigation in relation to, for example, a technically unlawful arrest which did not stem from any *mal fides* on the part of the officer involved.

However, although the police mandate is in relation to state sanctioned interference with personal liberties, the police are not understood constitutionally as a direct instrument of the state or of the Crown. Each Chief Officer enjoys operational independence¹³ and each constable exercises his powers with original rather than delegated authority¹⁴. The scope of that authority is defined and confined by law but (despite the 'ideal' description set out above) there is inherent indeterminacy in those laws that set out the boundaries of officers' actions e.g. reasonable suspicion and reasonable force.¹⁵ Consequently, operational independence and the indeterminacy of the boundaries of the mandate combine such that constitutional legitimacy alone will not suffice. This can be seen at a number of levels.

First, as regards the direct use of force Lustgarten, draws on the multiple ways in which an officer may use his discretion when attending a minor disturbance and argues that:

[t]o say that he must uphold the law, or is responsible to the law is in practical terms meaningless. His discretion involves either making value judgments about the

¹³ *R v Commissioner of the Metropolis exp Blackburn* [1968] 2 Q.B. 118.

¹⁴ *Cattle v Lewis* [1938] 458.

¹⁵ For example s24 of the Police and Criminal Evidence Act 1984.

worthiness of the people involved, or public feeling, or the seriousness of the incident or the long-term gains and losses involved in sanctions of varying severity (Lustgarten 1986: 11).

Hence, policing may not always be susceptible to the level of adjudication implicit in constitutional legitimacy. More importantly, in this example the distinction between a breach of the law or codes of conduct in the course of positive action and the quality of an officer's decision making in the discretion not to act, breaks down. Suppose in Lustgarten's fight situation an officer arrests person A rather than person B. The legal rules may determine that the arrest was lawful, but, importantly it might have also been lawful to arrest B and not A. That no charges could subsequently be brought because, on the evidence, A was the aggressor and B had a legitimate defence would not, of itself, make the arrest unlawful. So the arrest of either A or B might be legitimate at a constitutional level. However, if the officers' actions are not in accord with a public consensus concerning the police decision to arrest A (and therefore the exercise of the discretion not to arrest B) the legitimacy of the police will be undermined at an organisational level. This highlights the importance for the police to be responsive to and therefore to maintain some connectedness with the general public. Such connection¹⁶ may be difficult in a multi-cultural society if there is lack of cohesion (Martin 1993: 142) and in an apparently cohesive community, responses to police conduct may differ (Jones 2008: 695, Waddington et al 2015). However, it is important to note that the police both come from and are generative of the communities they serve (or operate within) (Herbert, 2006) and this connectedness is fundamental to the policing process.

The distinction between constitutional and organisational legitimacy can be further developed by reference to the practical consequences of the police operating on a 24 hour basis and their role being to restore order whenever it has broken down. Importantly, the status of the police as the bearers of the ability to use state sanctioned force impacts upon how they are perceived and able to operate in this regard (Bittner 1975). Consequently, Walker argues that when confronted with the need to restore order neither the "range of problems [officers are faced with] nor their range of treatments can be confined within narrow legal terms" (1996: 56). The suggestion here is that the mandate to interfere with personal liberties (which is theoretically confined within the rule of law) in fact, in practical terms, operates such that it is *necessarily* extended beyond those theoretical limits in certain circumstances. "Their solutions may be of

¹⁶ Connection with the community is one of the motivating factors in the move towards 'community policing' which it is accepted is complex. For a discussion of the main issues see Tilley 2008.

the first-aid variety but [the police] potential to exercise coercive force ensures that the plaster will adhere, if only in the short term” (1996: 57). In such circumstances, an officer may be found to have acted unlawfully (if, for example, the circumstances were not deemed sufficient for the legal defence of necessity to apply) but his actions may nevertheless be seen as appropriate at an organisational level. Walker suggests that despite the constitutional discomfort inherent in a suggested extension of police action beyond strict adherence to the rule of law on the basis of exigency “such characterizations of the police role resonate with broader public understandings” (1996: 57). It is contended that recognising those ‘broader public understandings’ is an important element of police organisational legitimacy.

Finally, this need to be responsive to ‘broader public understandings’ is also important because, while the ability to resort to force underpins everything officers do at one level (Bittner 1975), in practical terms they are dependent on public support. They rely on the general public to comply with their requests, for example in relation to traffic control or crowd management. Further, they are also dependent on the public to voluntarily come forward with information that will assist in the apprehension of offenders (Tyler 2004: 85). The police, therefore, need to foster a general conception of their legitimacy in the sense of being an organisation the public would wish to support in both these ways. The use of minimal force; a commitment to procedural justice (Tyler 2004); sensitivity in handling non-emergency situations; fair, polite treatment of citizens in everyday encounters and a commitment to diversity in employment etc. are features that would bolster this organisational legitimacy. Moreover, all these elements are dependent on the police as an organisation being able to recruit and maintain a well-trained, well-motivated, committed work force.

At some levels the ideas of organisational and constitutional legitimacy may be seen to complement each other, with the connectedness that forms the bedrock of organisational legitimacy operating to supplement or mitigate the rigours inherent in judging officer conduct by reference to the ideas associated with constitutional legitimacy alone. There are, however, points at which these complementary elements start to conflict (for example where rigid enforcement of disciplinary codes is seen as eroding officer morale) and it is submitted that a focus on these moments of conflict will enhance both debates about the police complaints system and future research concerning it.

This section has introduced the ideas of constitutional and organisational legitimacy and argued that they provide a valuable framework for exploring the tensions that exist in the perspectives

by which officers' conduct might be judged. The following section examines how these ideas assist in analysis of the police complaints system in England and Wales and the current plans regarding its reform.

3. Constitutional and Organisational Legitimacy and the Police Complaints process

The police complaints process in England and Wales is currently governed by the Police Reform Act 2002 (PRA). This extended and renamed the process of informal resolution introduced by s85 the Police and Criminal Evidence Act 1984 (PACE). Now called local resolution, it applies when the complaint in question would not result in any criminal or disciplinary proceedings if it was substantiated¹⁷. More significantly, the PRA also established the Independent Police Complaints Commission (IPCC) which has the power to investigate complaints about serious¹⁸ matters itself and to manage or supervise some internal police investigations of complaints. However, the Home Affairs Committee Report 2009-10¹⁹ indicates, that in 2008-2009 the IPCC directly investigated only 1% of all complaints and that they managed only 10% of the serious cases referred to them. Therefore, the vast majority of complaints which might result in disciplinary consequences for officers are still handled entirely by professional standards departments in each force with the IPCC acting as an appeal body²⁰ in relation to the recording and outcome of these 'local investigations'.

On 22 July 2014 the Home Secretary Theresa May announced a review of the police disciplinary system²¹ under the chairmanship of Major Chapman. The focus of this was the disciplinary process rather than the handling of complaints and although these are inherently linked, detailed consideration of the Chapman Review is beyond the scope of this paper. It is submitted, however, that the framework outlined in section 2 will be of use in analysis of the proposals put forward in the review and, in particular, may assist in the benchmarking process which is suggested. These issues are referred to briefly in subsection 3.3.

¹⁷ PRA 2002 s6(3)(a). This process is discussed below.

¹⁸ These include serious assault, serious sexual assault serious corruption. The Police (Complaints and Misconduct) Regulations 2012.

¹⁹ HC366, para. 7.

²⁰ PRA Schedule 3.

²¹ See Hansard 22.7.2014 Col 1265.

3.1 Local Resolution

Local Resolution permits complaints into matters that would not result in disciplinary proceedings if they were upheld, to be handled at divisional level under relatively informal procedures²². Local resolution can take a number of forms, (IPCC Statutory Guidance 2015: 32-33) but in essence the officer who is tasked with conduct of the matter seeks to ‘resolve’ the dispute taking account of the views of both the complainant and the officer(s) complained against. McLaughlin and Johansson point to the value of local resolution lying in its “ability to focus attention on the resolution of the grievance rather than establishing ‘innocence’ or guilt’ on the part of the officer” (2002: 641). Further, Young et al’s study involving a scheme in which local resolution included a specifically restorative element supports the contention that it can have positive results in this regard (Young et al 2005).

Unfortunately this potential is not fully realised (Maguire and Corbett, 1991: 88-9, Young et al 2005: 2870-300, May et al 2007: 23-24). The IPCC upheld 33% of appeals in relation to Local resolution in 2009//10 (IPCC Annual Report 2009/10: 3) and while a significant proportion of these related to communication during the process, 10 % were upheld because the complaint was too serious to be dealt with by local resolution and a further 28% on grounds that there was either no documentation or the actions agreed did not address all aspects of the complaints (Hagger-Johnson and Hipkin-Chatagnol 2014: 17-18). Significantly in 19% of cases the IPCC recommended that a local investigation be conducted (2014:17-18). This suggests a difference in assessment of the gravity of officers’ conduct as between forces and the IPCC in nearly on fifth of all cases.

As suggested above, those complaints for which local resolution should apply represent opportunities for the police to enhance their organisational legitimacy and much could be done in this regard by improving communication with both complainants and police officers (May et al 2007, Hagger-Johnson and Hipkin-Chatagnol 2014: 17-18). However, in the context of the appeals of a more substantive nature, the analytical frame suggested in this paper is valuable in drawing attention to the need to consider *how* the operation of the complaints system may influence stakeholders’ confidence. Poor communication concerning the *process* of local resolution may impact negatively on complainants’ confidence in that process and may result

²²PRA 2002 s8.

in some consequential loss of confidence in the police. However, it is contended that a perceived failing by the police to fully recognise, respect or implement the rules relating to their own disciplinary framework, will result in a *qualitatively* different response which centres on a reduction in the confidence of both complainants and the public *in the police*. This invites future research which focuses on these qualitative issues. It also highlights the importance for discussions of ‘public confidence’ to be clear concerning whether reference is being made to confidence in complaints process (or an aspect of it) or confidence in the police.

The Government is currently proposing to give Police and Crime Commissioners (PCCs) the ability to decide whether to handle local resolutions themselves²³. Conceiving of the complaints system in terms of organisational and constitutional legitimacy suggests this that this would be a mistake. A properly conducted local resolution has the potential to enhance police organisational legitimacy by providing opportunities for officers to develop a heightened sense of how their actions affect members of the public and by giving complainants a feeling of open interaction about the incident in question. This potential for local resolution to enhance police connectedness to the general public will be undermined if the process is taken out of police hands. Instead the focus for reform should be on ways for it to fulfil its potential in this regard.

3.2 Local Investigations

As indicated above, the majority of complaints which are not suitable for local resolution are subject, instead, to local investigation and handled in their entirety by the professional standards department of the force in question. For the last three years between 32 and 37% of *all* complaints have included allegations of what might be termed unconstitutional conduct²⁴ and it is contended that, therefore, a significant proportion of those which are subject to local investigations will involve issues that concern constitutional legitimacy. Consequently, it is in these complaints that conflicts between organizational and constitutional will become apparent

²³ “Improving Police Integrity: reforming the police complaints and disciplinary systems. Home Office (CM. 9031: 12).

²⁴ By which is meant complaints which included oppressive conduct, malpractice and breaches of PACE. See IPCC complaints statistics 2012/2013, 2013/14 and 2014/15).

and the frame suggested in this paper, invites enquiry concerning which form of legitimacy is given primacy in local investigations²⁵.

There is consistent concern that substantiation rates for police internally investigated complaints and, in particular, those concerning assault and false arrest are inappropriately low (Leiderbach et al 2007:354, McLaughlin and Johansen 2002:638, Saunders and Young 2008: 302, Smith 2009:251)²⁶. It is acknowledged that there are evidential difficulties in these types of cases and many commentators have noted how the incidents which give rise to such complaints frequently arise in low visibility settings with few witnesses (Martin 1993, Goldsmith 1991a, Reiner 1991, 2010). In research conducted in the US, Leiderbach et al (2007) found that while for police-initiated complaints the substantiation rate was 70%, this dropped to just 1.6% in relation to citizen complaints. For these, the most common reason given for the complaint not being upheld was that there was conflicting evidence, such that the matter could not be proved. They concluded that while “[b]y their nature these types of complaints are impossible to prove based on a preponderance of evidence [] certainly it is unreasonable to assume that all but 3 of 180 citizen complaints in our sample were without merit” (2000:370).

This raises concerns regarding the way investigations are conducted and evidence weighed in relation to citizen complaints. As regards the position in England and Wales, a quote from one of the investigation officers interviewed by Maguire and Corbett is potentially illuminating.

If the officer denies the allegation and there were no other witnesses, what can I do?
The problem is [] *if they're truthful people*, they wouldn't understand why their word can't be accepted. They can't understand that it's their word against the officers (emphasis added) (1991: 79-81).

Although Maguire and Corbett's research is now quite dated, this quote suggests that a rigid approach is adopted whereby an assessment of the veracity of the parties to the complaint is considered inappropriate (at least in relation to the formal outcome of the complaint). In any event a recent review of appeals upheld by the IPCC found that the majority²⁷ of local investigations were “upheld either because insufficient evidence was gathered during the investigation of the complaint or because the conclusions reached were not reasonable in light

²⁵ It is accepted that there is some commonality between these two types of legitimacy in that a clearly unlawful arrest will undermine both types of legitimacy and an interesting further project would be to assess which form is given primacy in various narratives concerning police complaints.

²⁶ In England and Wales the substantiation rate has been 14% for the last two years two years and was 12 % in 2012/13 (IPCC Police Complaints Statistics 2012/13, 2013/14 and 2014/15).

²⁷ 41% (2012:11).

of the evidence gathered” (Hagger-Johnson and Hipkin-Chastagnol 2012: 11). It is submitted that one explanation for this is a recognition by investigators of the impact of police occupational culture on officers’ responses to the complaints process.

Research over a number of decades has pointed to the influence of police occupational culture in the determination of complaints. As long ago as 1975 Box and Russell’s review of complaints files suggested a police practice of arresting potential complainants in order to discredit them and that this was effective (Box and Russell, 1975). More recently, Goldsmith has noted how observational studies reveal a common practice amongst police officers to lie in order to protect their colleagues from the possibility of disciplinary sanctions and a recognition of this by senior professional standards officers (Goldsmith 1991: 25). Further, Smith has pointed to the high instance of false imprisonment and malicious prosecutions claims in successful civil actions against the police as evidence that the police use false arrest to cover their own wrongdoing by discrediting potential claimants (Smith 2001: 376).

As noted above, the prime function of the complaints process has been to decide whether officers should face disciplinary charges and if so determine the outcome (Maguire and Corbett 1991:11-12, Reiner 1991: 211, Smith 2004:16). However, despite consistently low substantiation rates, there is evidence that forces *do* take account of the impact of occupational culture on the way officers seek to avoid disciplinary action. The argument here is that this process is linked with organisational rather than constitutional concerns. Maguire and Corbett’s interviews with investigating officers suggest that there is an internal and external ‘face’ to how local investigations are handled. An unsubstantiated finding against an officer who was, in fact, believed to have behaved unprofessionally might result in him being “posted, counselled, told to mend his ways, or put with a stickler of an Inspector” and on the whole the complaints system was seen “as more effective in what was done behind the scenes than in its official results” (1991: 73).

There is some value in a system which permits officers to be counselled about their conduct without necessarily applying blame in relation to specific incidents. However, it is important within a democracy that the parameters concerning the type or level of conduct for which that form of internal response is appropriate should be transparent. The concern is that for the external face of local investigations, a rigid ‘rule of law’ approach to evidence gathering by professional standards officers’ results in any conflict of evidence being understood as necessitating a finding of “not upheld”. However, at the same time, the internal face of the

complaints system operates behind the curtain of the unsubstantiated finding and preserves determination of the balance between the organisational and constitutional legitimacy of officer actions to the police in ways that are not available to public scrutiny.

For officers complained against, the consequences of a finding of misconduct can be very serious and the disciplinary process must therefore contain safeguards. As a result, some complaints will inevitably be unsubstantiated in circumstances where there is doubt as to the probity of the officers' conduct and some degree of an 'internal face' for these complaints is unavoidable. Arguably, however, the rigidity of the approach taken by professional standards officers to the gathering and weighing of evidence operates to unreasonably expand the 'internal face' of complaints in ways that are not transparent.

That there may be a tendency on the part of the police to expand this internal face for local investigations resonates with police concerns regarding officer morale and the insistence on their professionalism and experience being paramount in the proper handling of complaints process (Maguire and Corbett 1991: 70, Reiner 1991). The existence of such a tendency is also supported by Leiderbach et al's research in which the force in question employed detailed classifications of complaints outcomes which included unsustained, unfounded, exonerated and which arguably invites enquiry as to whether these labels served some 'internal' function (2007: 364-365).

The suggestion that the approach to evidence gathering in local investigations operates to create an internal and external 'face' as regards officer discipline is, however, given most credence by recent research concerning ex-police officers working within the IPCC. In the context of questions about their role within the IPCC, such officers expressed the view that only investigators with police experience who can really 'read between the lines' and recognise what is omitted from officers' accounts (Savage 2013b). These respondents summed up their views with expressions like "you set a thief to catch a thief" and "you can't bullshit a bullshitter" (2013b: 896). What is striking here is that for local investigations (which are investigated in their entirety by police officers) in relation to events which occurred in low visibility settings, the consistently low substantiation rates are justified by there being no way to drill into the veracity of competing accounts of events. Arguably, therefore, the way the local investigation processes are interpreted and used by forces functions to preserve their autonomy rather than being an unavoidable aspect of complaints about street level policing.

The above discussion suggests that, rather than being a point at which the complaints system becomes dominated by constitutional perspectives, local investigations appear to be handled predominantly at an organisational level and subject to a police determination of the correct balance between constitutional and organisational legitimacy. It is contended that, as suggested in relation to local resolution, it will be valuable for future qualitative studies to consider *how* the operation of the complaints system influences stakeholders' confidence in both the system and the police. For example, arguably, what has been termed the 'internal face' of local investigation is beneficial for police morale which is a component of police organisational legitimacy. However, empirical studies of the type suggested above might indicate that it has negative consequences in relation to complainants' confidence in the system and overall public confidence in the police. There is, therefore, an important normative question to be addressed concerning how these potentially competing interests should be balanced. The analytical framework suggested in this paper is valuable in highlighting the importance of that question and will assist in structuring debates concerning how it might be resolved.

3.3 The Role of the IPCC

It was argued in section 3.2 that within the local investigation process the police seek to preserve their autonomy to determine the majority of complaints with an emphasis on organisational legitimacy. This section considers whether the process becomes dominated by constitutional concerns for those cases in which the IPCC conducts investigations itself.

3.3.1 Investigations

As noted above, research into complainant experiences of police complaints consistently concludes that a greater level of independent oversight or involvement would increase public confidence in the process (Maguire and Corbett 1991, Landau 1996, Learch 1998, Strudwick 2003, Waters and Brown 2000). It is contended that inherent in the demand for greater independence is the idea that it equates with a commitment to constitutional legitimacy; that it is, in effect, a demand that the organisational balances of perceived situational imperatives and officer morale are not taken into account and that constitutional legitimacy should be the sole driver of how complaints are determined. This is supported by McLaughlin and

Johannson's comments as regards "marginalised, disenfranchised communities and discriminated against social groups". They argue that these groups have such deep trust issues with the police that "certain forms of seemingly 'minor' police misconduct, rather than being diverted into restorative justice, will have to be subject to the *full rigour* of independent investigation and adjudication" (2002: 651)(my emphasis). The underlying rhetoric of independence is that the 'full rigour' of investigation is centred on whether there was a breach of the rules which govern the grant of the mandate to interfere with personal liberties and not on whether that breach might be seen as mitigated by perceived exigency on the part of the officer(s) involved.

However, as regards the independence of IPCC investigations, a Home Affairs Committee report of 2012-13 indicated that approximately 11% of staff and 33% of investigators were former police officers. Further, recent research by Savage found that investigations conducted by the IPCC are substantially hampered by reliance on police support both as regards resources (for example expert forensic services) and police cooperation as regards access to the materials or personnel relevant to the investigation (Savage 2013b: 106-107). It also cited a number of deficiencies in the IPCC's internal operations including; "a propensity to uncritically accept police explanations for missing evidence"; a "lack of investigatory rigour" and a "failure to critically analyse competing accounts, even with inconsistencies between officers' accounts or an (sic) compelling account from a complainant"²⁸.

Furthermore, the promise of independence as delivering a finding that is based solely on the ideas inherent in constitutional legitimacy is not express in the IPCC's role. The statutory function of the IPCC is to secure the maintenance of 'suitable'²⁹ arrangements with respect to the handling and recording of complaints, that those arrangements are efficient and effective³⁰ and that public confidence is maintained³¹ in respect of them³². This is problematic because (as discussed in section 1) there is lack of consensus concerning what it means for the police complaints system to be effective (or at least in how that might be measured) and the system can enjoy increased public confidence in circumstances where the majority of those who use it remains dissatisfied at a number of levels. Arguably, therefore the emphasis on *public*

²⁸ HC494 pp5-6.

²⁹ s10(1)(a) and S 10(2)PRA

³⁰ s10(1)(b) PRA.

³¹ S10(1)(c) PRA

³² As regards the lack of clarity as to the IPCC's role generally see Smith 2005.

confidence shifts the balance between organisational and constitutionally legitimacy towards the former without that shift being expressly stated or justified.

The above discussion indicates that despite the suggestion of ‘full rigour’ in the investigation of complaints, the IPCC is neither fully functionally independent of the police nor necessarily fully committed, at an institutional level, to the constitutional ideals of strict adherence to the rule of law. Instead, in its joint task of ensuring ‘effectiveness’ and ‘public confidence’ it is essentially also seeking to balance organisational and constitutional legitimacy and this invites future research concerning how this balance is reached in this part of the system.

3.3.2 Appeals

Notwithstanding the apparent deficiencies noted above, the IPCC has upheld a significant proportion of appeals against both the recording and outcome of complaints³³. In the complex business of policing there is inevitably considerable scope for differing interpretations of the severity of an incident that might give rise to a complaint and the subsequent weighing of evidence. However, as discussed in section 3.2 the review of these appeals figures does suggest a difference of approach to these issues as between professional standards officers and the IPCC (Hagger-Johnson and Hipkin-Chastagnol 2012: 11). This, therefore, represents an important opportunity to assess the different way in which organisational and constitutional legitimacy are balanced in the two different parts of the system and invites further research which focuses on these points of difference. Specifically, it suggests that a detailed review of those appeals which are upheld on the basis of either the gathering or weighing of evidence which takes account of the nature of the complaints in these cases and seeks to uncover what may have influenced the decisions at force level not to uphold those complaints (whether there was any ‘internal’ consequence for the officer(s)).

3.3.3 The Chapman Review

The Chapman Review seeks to introduce increased transparency in relation to the police discipline system³⁴. It proposes a number of reforms aimed at promoting a ‘values’ oriented

³³ In the years 2012/13, 2013/14 and 2014/15, 57%, 49% and 42% of appeals relating to the recording of complaints and 40%, 44% and 39% in respect of local investigations respectively were upheld (IPCC Police statistics 2014/15).

³⁴ For example it recommends that all Police Appeals Tribunal hearing should be held in public (2014: 82).

approach to police recruitment, training and management and introduces a police test to guide when behaviour is considered to have “damaged the wider framework” of service delivery or placed “trust and respect” at risk (2014: 129). While these may increase the degree of individual officer compliance with the rule of law and may therefore have a secondary impact on police constitutional legitimacy, it is contended that the emphasis of the proposed reforms and indeed the tenor of the review appears to privilege organisational legitimacy (See 2014:10).

More significantly, Chapman envisages the College of Policing undertaking a ‘benchmarking’ exercise that will lead to a line of zero tolerance being drawn, with conduct that falls below the line resulting in possible dismissal but all conduct above the line being subject to rehabilitative management interventions (2014: 74) “The question is not “did he or she do it” but “what should we do about it”” (Chapman 2014: 75). This is again indicative of a focus on organisational legitimacy in ensuring the maintenance of a well-motivated and well-disciplined force and as such is to be welcomed at some levels. However, the suggestion of a line of zero tolerance inevitably raises questions concerning *where* and indeed *how* it should be drawn. It is contended that in highlighting the importance of achieving a balance between organisational and constitutional legitimacy the framework suggested in this paper may make a valuable contribution to debates concerning the benchmarking exercise.

Conclusion

While there are undoubted links between the legitimacy of the police and the workings of the police complaints system, the relationship between the two is multifaceted. Importantly, what it means for a complaints system to be ‘effective’ is not clear-cut. This is, in part, because while the effectiveness of the system is seen as a necessary element in securing police legitimacy, the idea of police legitimacy is itself nebulous. This article has sought to provide a new framework for structuring the debates in this challenging terrain.

The starting point for this has been the recognition that overall police legitimacy is complex and may be conceived of in terms of two ideal types, organisational and constitutional legitimacy. Importantly while these complement each other at some levels they conflict at others. Conceiving of police legitimacy as a balance between its organisational and constitutional elements highlights the importance of there being structures in place to facilitate debate concerning how that balance is reached. This puts new emphasis on the role of the police

complaints system in providing data that can assist in making such debate meaningful. Further, the application of this framework to the current complaints system in England and Wales has indicated some avenues for future qualitative research concerning its impact on the confidence of various stakeholders in both the complaints system and the police.

This proposed conception of the complaints system is also important in relation to broader perspective on policing. There is evidence that the public are tolerant of some elements or degrees of police misconduct (Seron et al, 2004; Smith, 2009; Reiner, 2010). Further, Reiner has expressed concern regarding the development of a “pragmatic necessary evil discourse” in relation to policing. Moreover, this should be viewed in the context of the substantial work confirming the degree of control that the police have over the media (Crandon and Dunn 1997, Mawby 1999, 2002 and 2003, Greer and McLaughlin) and therefore their ability to promote such a discourse.

In addition, the above analysis has highlighted the extent to which the police conduct complaints investigations such that, what has been referred to as the ‘internal face’ of complaints is expanded. Smith argues that “[a] person [] who has been subjected to a minor assault by a police officer and who does not seek legal advice, because he/she was not arrested or was released from custody without charge is unlikely to make a complaint” and suggests that incidents of this type contribute to [] ‘a generally accepted level of police wrongdoing’” (Smith 2009: 61). It is contended here that inappropriately unsubstantiated complaints will have a similar effect.

These two points raise a concern that ‘public confidence’ in the police or the complaints system may be expressed in the context of expectations that are ‘inappropriately’ low on account of a narrative of necessary evil or an accepted level of police wrongdoing. This highlights the potentially limiting aspects of permitting debates concerning police legitimacy to become too dominated by measures of stakeholder confidence. In outlining the ideas of organisational and constitutional legitimacy and suggesting that they provide a valuable way in which to reconceptualise police complaints systems, this paper has also sought to underscore the importance of normative debate concerning the balance between these two forms of legitimacy.

Acknowledgements

Many thanks to Professor Joanne Conaghan, Dr Foluke Ipinoyomi, Dr Judy Laing and Professor Richard Young for their comments on previous drafts of this article.

References

- Beetham, D., 1991 *The Legitimation of Power*. Basingstoke: MacMillan.
- Bittner, E., 1970 *The function of the Police in Modern Society*. Washington: DHEW.
- Brown, D., 1987. *The police complaints procedure: A survey of complainants' views*. London: Home office.
- Box, S. and Russell, K., 1975. The Politic of Discredibly: Disarming Complaints Against the Police. *The Sociological Review*, 23(2). 315-346.
- Crandon, G.L. and DUNNE, S., 1997 Symbiosis or vassalage? The media and the law enforcers; the case of Avon and Somerset police. *Policing and Society*, (8), 77-91.
- De Angelis, J. 2009. Assessing the impact of oversight and procedural justice on the attitudes of individuals who file police complaints. *Police Quarterly*.
- Goldsmith, A., 1991 Introduction. In Goldsmith, A., ed. *Complaints Against the Police: the Trend Towards External Review*. Oxford: Clarendon Press, 1-11.
- Goldsmith, A., 1991a External Review and Self-Regulation. In Goldsmith, A., ed. *Complaints Against the Police: the Trend Towards External Review*. Oxford: Clarendon Press, 13-57.
- Goldsmith, A. and Lewis, C. Eds. (2002) *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. Oxford: Hart.
- Grace, K. and Buck, T., 2007 *Public Annoyance and Complaints About the Police: Findings From the 2006/07 British Crime Survey*. IPCC Research and Statistics Series: Paper 16.
- Greer, C., and McLaughlin, E., 2010 We Predict a Riot? Public Order Policing, New Media Environments and the Rise of the Citizen Journalist. *British Journal of Criminology*, (50) 1041.
- Habermas, J., 1979 *Communication and the Evolution of Society*. London: Heinenmann.
- Harvey, P., Shepherd, S. and Magil, T., 2014. Public Confidence in the Police and the Police Complaints System. IPSOS MORI Social Research Institute (Commissioned by the IPCC).
- Herbert, S., 2006. Tangled up in Blue: Conflicting Paths to Police Legitimacy. *Theoretical Criminology*, 10(4), 481.

Hudsen, J. R., 1971. Police review boards and police accountability. *Law and Contemporary Problems*, 515-538.

IPCC Research Note 2. 2009. IPCC Investigations: a survey seeking feedback from complainants and police personnel. Available at <http://www.ipcc.gov.uk/page/research-and-statistics#feedback>.

Jones, T., 2008. The Accountability of policing. In: Newburn, T., ed. *Handbook of Policing*. Cullompton: Willan Publishing. 693-724.

Landau, T., 1996. When police investigate police: A view from complainants. *Canadian J. Criminology*, 38, 291.

Learsch, K. M., 1998. Police misconduct and malpractice: a critical analysis of citizens' complaints. *Policing: An International Journal of Police Strategies and Management*, 21(1), 80-96.

Leiderbach, J., Lorenzo, M. B., Taylor, R. W., and Kawucha, S. K., 2007. Is it an Inside Job? An examination of Internal Affairs Investigation Files and the Production of Non sustained Findings. *Criminal Justice Policy Review*, 18(4), 353-377.

Lister, S., 2013. The New Politics of the Police: Police and Crime Commissioners and the 'Operational Independence' of the Police. *Policing* 7(3) 1.

Lopreato J., and Alston, L., 1970. Ideal types and the idealization strategy. *American sociological review*, 88-96.

Lustgarten, L., 1986 *The Governance of the Police*. London: Sweet and Maxwell.

McLaughlin, E and Johannsen N, A., 2002 A Force for Change? The Prospects for Applying Restorative Justice to Complaints Against the Police in England and Wales. *British Journal of Criminology*, 42(3), 635-53.

Maguire, M., 1991. Complaints Against the Police: the British Experience. In Goldsmith ed. *Oxford: Clarendon Press*, 177-209.

Maguire, M. and Corbett, C., 1991 A study of the Police Complaints System. London: HMSO.

Martin, D. L., 1993. Organising For Change: a Community Response to Police Misconduct, *Hastings Women's Law Journal*, 4(1), 131-174.

Mark, R., 1978. *London*: William Collins and Sons.

Mawby, R. C., 1999. Visibility, Transparency and Police Media Relations. *Policing and Society*, 9, 263-286.

Mawby, R. C., 2002. *Policing Images*. Cullompton: Willan Publishing.

Mawby, R. C., 2003. Completing the “Half Formed Picture”? Media Images of Policing. In: Mason, P., ed. *Criminal Visions: Media Representations of Crime and Justice*. Cullompton: Willan Publishing.

Newburn, T., 2012. Police and crime commissioners: the Americanization of policing or a very British reform? *International journal of law, crime and justice*, 40(1), 31-46.

Porter, L. E., 2016. Police Professional Standards Units and External Oversight Agencies: Can there be Productive Collaboration? In: Prenzler, T. and Den Heyer, G. eds *Civilian Oversight of Police: Advancing Accountability in Law Enforcement*. Boca Raton: CRC Press. 229-250.

Porter, L. E. and Prenzler, T., 2012. Police Oversight in the United Kingdom: the Balance of Independence and Collaboration. *International Journal of Law, Crime and Justice* (40) 152-171.

Porter, L. E. and Prenzler, T., 2016. Complainants Views of Police Complaints Systems: The Gap between Aspiration and Experience. In: Prenzler, T. and Den Heyer, G. eds *Civilian Oversight of Police: Advancing Accountability in Law Enforcement*. Boca Raton: CRC Press. 73-93.

Prenzler, T., 2016. Police views on Processing Complaints against the Police In: Prenzler, T. and Den Heyer, G. eds *Civilian Oversight of Police: Advancing Accountability in Law Enforcement*. Boca Raton: CRC Press. 95-118.

Prenzler, T., Mihnjac, M. and Porter, L. E., 2013. Reconciling Stakeholder Interests in police complaints and discipline systems. *Police Practice and Research*, 14(2), 155-168.

Prenzler, T. and Ronken C., 2001. Models of police oversight: A critique. *Policing and Society*, 11(2), 151-180.

Reiner, R., 1991. Multiple Realities, divided worlds: Chief Constables Perspectives on the Police Complaints System. In: Goldsmith, A. ed. *Complaints Against the Police: the Trend Towards External Review*. Oxford: Clarendon Press, 212-231.

Reiner, R., 2010. *The Politics of the Police*. Oxford: Oxford University Press.

Savage, S. P., 2013a. Thinking Independence: Calling the Police to Account through the Independent Investigation of Police Complaints. *British Journal of Criminology*, (53), 94.

Savage, S. P., 2013b. 'Seeking 'Civilianness': Police Complaints and the Civilian Control Model of Oversight. *British Journal of Criminology*, 53(5), 886-904.

Seron, C., Pereira, J. and Kovath, J., 2004. Judging police misconduct: "Street-Level" versus professional policing. *Law and Society Review*, 38(4), 665-710.

Senevirante, M., 2004. Policing the Police in the United Kingdom. *Policing and Society*, 14(4), 329-347

Smith, G., 2001. Police Complaints and Criminal Prosecutions. *The Modern Law Review*, (64), 372.

Smith, G., 2003. Actions for Damages Against the Police and the Attitudes of Claimants. *Policing and Society*, 13 (4), 413-422.

Smith, G., 2004. Rethinking Police Complaints. *British Journal of Criminology*, (44) 15.

Smith, G., 2005. A most Enduring Problem: Police Complaints Reform in England and Wales. *Journal of Social Policy*, 35(1), 121.

Smith, G., 2009. Citizen Oversight of Independent Police Services: Bifurcated Accountability, Regulation Creep and Lesson Learning. *Regulation and Governance*, (3) 421.

Smith, G., 2010. Every complaint matters: Human Rights Commissioner's opinion concerning independent and effective determination of complaints against the police. *International Journal of Law Crime and Justice* 38(2) 59.

Strudwick, K., 2003. Is independence the only answer to complainants' satisfaction of the police complaints process? A perspective from the United Kingdom. *Police Practice and Research*, 4(1), 35-46.

Sucherman, M. C., 1995. Managing Legitimacy: Strategic and Institutional Approaches. *Academy of management review*, 20(3), 571.

Tilley, N., 2008. Modern approaches to policing: community, problem-orientated and intelligence-led. In Newburn, T. ed. *Handbook of Policing*. Cullompton: Willan Publishing.

Tyler, T. R., 2004. Enhancing Police Legitimacy. *The Annals of the American Academy of Political and Social Science*, (593), 84.

Waddington, P.A.J., Williams, K., Wright, M. and Newburn, T., 2015. Dissension in public evaluations of the police. *Policing and Society*, 25(2), pp.212-235.

Walker, N., 1996 Defining Core Police Tasks: The Neglect Of The Symbolic Dimension? *Policing and Society*, (6), 53.

Waters, I. and BROWN, K., 2000. Police Complaints and the Complainants Experience. *British Journal of Criminology*, (40), 617.

Wells, W. and Schafer, J.A., 2007. Police Scepticism of Citizen Oversight: Officers' Attitudes towards Specific Functions Processes and Outcomes. *Journal of crime and justice*, 30(2), pp.1-25.

Young R., Hoyles, C., Cooper, K. and Hill, R., 2005. Informal Resolution of Complaints Against the Police: a quasi-experimental test of restorative justice. *Criminal Justice* (5(3)) 279.